

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6273-CR-HUCK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARIEL HERNANDEZ, et al.,

Defendant,

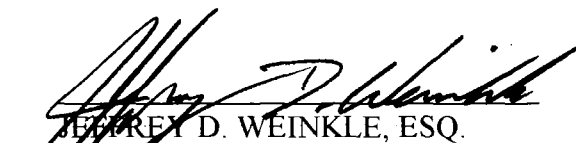
MOTION TO RENAME COUNT SEVENTEEN

THE DEFENDANT, ARIEL HERNANDEZ, by and through the undersigned counsel, respectfully moves this Honorable Court for entry of an Order Renaming Count 17, and in support thereof would state:

1. Count 17 of the Indictment is titled "Murder" in violation of 18 U.S.C. Sec. 1959. However, the offense is more accurately stated as a "Violent Crime in Aid of Racketeering." It is submitted that as presently titled, the Indictment is misleading and may confuse the jury into believing that the mere act of killing a human being would necessarily warrant a conviction of this Count without the additional findings that the killing was also in aid of racketeering.

WHEREFORE, the defendant respectfully moves this Honorable Court to rename Count 17 of the Indictment from "Murder" to "Violent Crime In Aid Of Racketeering."

Respectfully submitted,


JEFFREY D. WEINKLE, ESQ.
EBN: 271934

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United States v. Ariel Hernandez
CASE NO. 00-6273-CR-HUCK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed/delivered this

10 day of Dec, 2001, to: UNITED STATES ATTORNEY'S OFFICE, AUSA

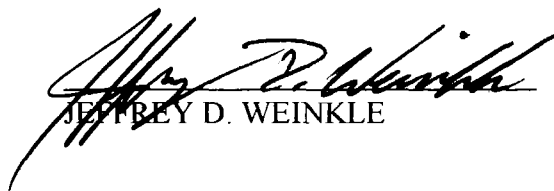
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